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## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

April 18, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 05-00261HG  
CASE NAME: U.S.A. vs. (01) JAMES TROIANO  
ATTYS FOR PLA: Wes R. Porter  
Clare E. Connors  
Brian Johnson, Case Agent, HPD  
Charles Pang, ATF

ATTYS FOR DEFT: Todd W. Eddins

INTERPRETER:

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JUDGE:	Helen Gillmor	REPORTER:	Stephen Platt
DATE:	April 18, 2006	TIME:	9:00 - 10:00 10:33 - 11:20 12:15 - 3:10 Jury deliberation 3:10 - 5:00

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### COURT ACTION: FURTHER JURY TRIAL - DAY 7 -

The defendant is present in custody.

Stephanie Kamakana CST.

The government rested.

The Defendant's Oral Motion for Judgment of Acquittal is DENIED.

Wendell Toki recalled by the defense.

Russell Pereira CST.

Hearing held out of the presence of the jury. The Court advised the defendant of his rights to, or not to, testify. A recess was called and Mr. Eddins informed the Court

that he will talk with the defendant in the marshal's cell block. Further discussion held after the recess regarding the issue of testifying. The defendant informed the Court that although he wants to testify, he will not to testify because of the proffer letter that he and his previous counsel signed. Exhibits 87 and 88 are admitted in evidence for this limited purpose.

Discussion also held with regard to the defendant's contention of ineffective assistance of previous counsel. The Court did not find that the previous counsel was ineffective.

Discussion held regarding the issue of witness Mary Phillips. Mr. Eddins informed the Court that he will not call Mary Phillips.

The jury is present.

The defendant rested.

The defendant's Renewed Oral Motion for Judgment of Acquittal was made at sidebar. The motion is DENIED

The jury is instructed. Government's opening argument. Defendant's final argument. Government's rebuttal. The bailiff (Leynes Corpuz) is sworn. The jury retired to deliberate (3:10 - 5:00 p.m.)

Further jury deliberation is continued to April 19, 2006 @ 9:00 a.m.

Submitted by: David H. Hisashima, Courtroom Manager